IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

THURSDAY, THE 18TH OCTOBER 2007 / 26TH ASWINA 1929

LA.App.No. 627 of 2004

LAR.58/2001 of SUB COURT, CHERTHALA
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APPELLANT/RESPONDENT:

STATE OF KERALA, REPRESENTED BY THE SPL.TAHSILDAR (LA), INDUSTRIAL GROWTH CENTRE, CHERTHALA.

BY GOVERNMENT PLEADER SMT. K.R. DEEPA.

RESPONDENTS/ CLAIMANT & 2ND RESPONDENT:
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1. **C.N.VENU, CHIRACKAL, PALLIPPURAM REP. BY POWER OF ATTORNEY HOLDER OF UNNIKRISHNAN, VELANGAT, THIRUMALLOOR P.O., CHERTHALA REP. BY POWER OF ATTORNEY HOLDER OF C.N.VENU, CHIRACKAL, PALLIPPURAM.**

2. **THE MANAGING DIRECTOR, KSIDC, TRIVANDRUM.**

BY ADV. SRI.G.D.PANICKER
SMT.JEENA JOSEPH
SRI.G.S.REGHUNATH
SRI.V.JAYAPRADEEP, SC, KSIDC

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 18/10/2007, ALONG WITH LAA NO. 688 OF 2004, LAA NO. 778 OF 2005 AND LAA NO. 799 OF 2005, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

L.A.A. NOs. 627 & 688 OF 2004 &
L.A.A. NOs. 778 & 799 OF 2005

Dated this the 18th day of October, 2007.

J U D G M E N T

Kurian Joseph, J.

These appeals pertain to acquisition of land for the purpose of setting up Industrial Growth Centre of the K.S.I.D.C at Cherthala. It is seen that by common judgment dated 30.06.2005 in L.A.A. No. 336/2004 and by another common judgment in L.A.A. 725/2004, connected cases have already been remanded to the reference court.

2. For parity of reasons, we set aside the judgment and decree under appeal in these cases and remit the references to the reference court, to be considered in accordance with the directions in the judgments referred to above. In view of the remand as above, the appellants in the appeals filed by the requisitioning authority (L.A.A Nos. 688/04, 778 & 799/05) shall be entitled to refund of the court fee.

KURIAN JOSEPH
JUDGE

HARUN-UL-RASHID
JUDGE

smp